

JS 44 (Rev. 12/07, NJ 5/08)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

RICHARD ODEITUS

(b) County of Residence of First Listed Plaintiff

(c) Attorney's (Firm Name, Address, Telephone Number and Email Address)

Craig Thor Kimmel, Esquire  
Kimmel & Silverman, P.C.  
30 E. Butler Pike  
Ambler, PA 19002  
(215) 540-8888

**DEFENDANTS**

PENTAGROUP FINANCIAL, LLC

County of Residence of First Listed Defendant

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
LAND INVOLVED.

Attorneys (if Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☒ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

**V. ORIGIN**

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify)  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 U.S.C. SECTION 1692

Brief description of cause:

Fair Debt Collection Practices Act

**VII. REQUESTED IN COMPLAINT:**
☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S)**

(See instructions):

JUDGE

DOCKET NUMBER

Explanation:

5-27-11

151 Craig Thor Kimmel  
SIGNATURE OF ATTORNEY OF RECORD

DATE

## UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 234 Roberts Avenue Marsham, PA 19044

Address of Defendant: 5959 Corporate Drive, Ste 1400 Houston, TX 77036

Place of Accident, Incident or Transaction: \_\_\_\_\_  
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?  
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases 15 U.S.C. 1692  
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases  
(Please specify)

## ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Craig Ther Kimmel, counsel of record do hereby certify:  
☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE: 5-27-11

Craig Ther Kimmel  
Attorney-at-Law

57100  
Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 5-27-11

Craig Ther Kimmel  
Attorney-at-Law

57100  
Attorney I.D.#



**(Unlawful Debt Collection Practices)**

RICHARD M. ODEITUS ("Plaintiff"), by and through his attorneys, KIMMEL & SILVERMAN, P.C., alleges the following against PENTAGROUP FINANCIAL, LLC ("Defendant"):

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA").

2. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and 28 U.S.C. § 1331 grants this court original jurisdiction over the federal claims contained therein.

3. Defendant conducts business in the Commonwealth of Pennsylvania and therefore, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(1).

5. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202.

### PARTIES

6. Plaintiff is a natural person residing in Horsham, Pennsylvania, 19044.

7. Plaintiff is a "consumer" as that term is defined by 15 U.S.C. §1692a(3).

8. Defendant is a national debt collection company with its principal place of business located at 5959 Corporate Drive, Suite 1400, in Houston, Texas, 77036

9. Defendant is a debt collector as that term is defined by 15 U.S.C. § 1692a(6), and sought to collect a consumer debt from Plaintiff.

10. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

### PRELIMINARY STATEMENT

11. The Fair Debt Collection Practices Act ("FDCPA") is a comprehensive statute, which prohibits a catalog of activities in connection with the collection of debts by third parties. See 15 U.S.C. § 1692 *et seq.* The FDCPA imposes civil liability on any person or entity that violates its provisions, and establishes general standards of debt collector conduct, defines abuse, and provides for specific consumer rights. 15 U.S.C. § 1692k. The operative provisions of the FDCPA declare certain rights to be provided to or claimed by debtors, forbid deceitful and

1 misleading practices, prohibit harassing and abusive tactics, and proscribe unfair or  
2 unconscionable conduct, both generally and in a specific list of disapproved practices.

3 12. In particular, the FDCPA broadly enumerates several practices considered  
4 contrary to its stated purpose, and forbids debt collectors from taking such action. The  
5 substantive heart of the FDCPA lies in three broad prohibitions. First, a "debt collector may not  
6 engage in any conduct the natural consequence of which is to harass, oppress, or abuse any  
7 person in connection with the collection of a debt." 15 U.S.C. § 1692d. Second, a "debt  
8 collector may not use any false, deceptive, or misleading representation or means in connection  
9 with the collection of any debt." 15 U.S.C. § 1692e. And third, a "debt collector may not use  
10 unfair or unconscionable means to collect or attempt to collect any debt." 15 U.S.C. § 1692f.  
11 The FDCPA is designed to protect consumers from unscrupulous collectors, whether or not there  
12 exists a valid debt, broadly prohibits unfair or unconscionable collection methods, conduct which  
13 harasses, oppresses or abuses any debtor, and any false, deceptive or misleading statements in  
14 connection with the collection of a debt.  
15

16 13. In enacting the FDCPA, the United States Congress found that "[t]here is  
17 abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many  
18 debt collectors," which "contribute to the number of personal bankruptcies, to marital instability,  
19 to the loss of jobs, and to invasions of individual privacy." 15 U.S.C. § 1692a. Congress  
20 additionally found existing laws and procedures for redressing debt collection injuries to be  
21 inadequate to protect consumers. 15 U.S.C. § 1692b.  
22

23 14. Congress enacted the FDCPA to regulate the collection of consumer debts by debt  
24 collectors. The express purposes of the FDCPA are to "eliminate abusive debt collection  
25 practices by debt collectors, to insure that debt collectors who refrain from using abusive debt

1 collection practices are not competitively disadvantaged, and to promote consistent State action  
2 to protect consumers against debt collection abuses.” 15 U.S.C. § 1692e.

3  
4 **FACTUAL ALLEGATIONS**

5 15. At all relevant times, Defendant was attempting to collect an alleged consumer  
6 debt from Plaintiff.

7 16. The alleged debt at issue arose out of transactions, which were primarily for  
8 personal, family, or household purposes.

9 17. On or about July 20, 2010, Defendant sent correspondence to Plaintiff seeking  
10 and demanding payment of \$6,373.39 on an alleged debt. See Exhibit A, Defendant’s July 20,  
11 2010, letter.

12 18. Defendant’s July 20, 2010, letter goes on to state, “If payment is not made in a  
13 timely manner, further activity may be instituted.” See Exhibit A.

14 19. Defendant’s threat that further collection activity may be instituted was done to  
15 create a heightened sense of urgency in Plaintiff and to cause Plaintiff to remit payment on the  
16 alleged debt. See Exhibit A.

17 20. Defendant’s threat that further collection activity may be instituted, overshadows  
18 Plaintiff’s rights to dispute the alleged debt and/or request verification of the alleged debt. See  
19 Exhibit A.

20 21. Additionally, Defendant’s notification to Plaintiff of his rights pursuant to §1692g  
21 of the FDCPA were misstated, in that Defendant’s §1692g notification stated that, “this office  
22 will provide you with the name and address of the original credit grantor, if different from the  
23 current credit grantor; however, §1692g of the FDCPA requires that the written notice contain  
24  
25

1 “a statement that, . . . the debt collector will provide the consumer with the name and address of  
2 the original creditor, if different from the current creditor.” See Exhibit A.

3 22. Defendant’s use of the terms “original credit grantor” and “current credit grantor”  
4 do not comport with the requirements of the FDCPA and are confusing and misleading to the  
5 least sophisticated consumer, like Plaintiff, particularly in light of the fact that Defendant does  
6 not refer to any entities in its July 20, 2010, correspondence as “original credit grantor” or  
7 “current credit grantor,” rather Defendant’s letter refers to a “current creditor” and an “original  
8 creditor.” See Exhibit A.

9  
10 23. Then, on August 27, 2010, Defendant sent Plaintiff a second letter seeking and  
11 demanding payment of \$6,373.39 for an alleged consumer debt. See Exhibit B, Defendant’s  
12 August 27, 2010, letter.

13 24. In its letter, Defendant threatens Plaintiff, “We must assume more firm and direct  
14 collection action will be required to collect this past due obligation. You can avoid further  
15 collection action by mailing the full balance to our office.” See Exhibit B.

16 25. Defendant’s threats that further collection activity may be instituted and that more  
17 firm and direct collection is required were made to create a heightened sense of urgency in  
18 Plaintiff and to scare Plaintiff into making a payment on the alleged debt. See Exhibit B.

19  
20 26. Then, on September 30, 2010, Defendant sent Plaintiff a third collection letter  
21 seeking and demanding payment of \$6,373.39 for an alleged consumer debt. See Exhibit C,  
22 Defendant’s September 30, 2010, letter.

23 27. Defendant’s September 30, 2010, letter to Plaintiff is the same letter it sent to him  
24 on August 27, 2010. See Exhibits B and C.

25 28. In its letter, Defendant threatens Plaintiff, “We must assume more firm and direct



1 collection action will be required to collect this past due obligation. You can avoid further  
2 collection action by mailing the full balance to our office.” See Exhibit C.

3 29. Defendant’s threats that further collection activity may be instituted and that more  
4 firm and direct collection is required were made solely to create a heightened sense of urgency  
5 in Plaintiff and to scare Plaintiff into making a payment on the alleged debt. See Exhibit C.

6 30. To date, despite threats to the contrary, Defendant has not filed a lawsuit or taken  
7 other legal action against Plaintiff, thereby indicating it did not intend to take the action it  
8 threatened in its letters to Plaintiff.

9 31. Defendant’s collection letters to Plaintiff were confusing, deceptive, harassing  
10 and, misleading.

#### 12 CONSTRUCTION OF APPLICABLE LAW

13 32. The FDCPA is a strict liability statute. Taylor v. Perrin, Landry, deLaunay &  
14 Durand, 103 F.3d 1232 (5th Cir. 1997). “Because the Act imposes strict liability, a consumer  
15 need not show intentional conduct by the debt collector to be entitled to damages.” Russell v.  
16 Equifax A.R.S., 74 F. 3d 30 (2d Cir. 1996); see also Gearing v. Check Brokerage Corp., 233  
17 F.3d 469 (7th Cir. 2000) (holding unintentional misrepresentation of debt collector’s legal status  
18 violated FDCPA); and Clomon v. Jackson, 988 F. 2d 1314 (2d Cir. 1993).

19 33. The FDCPA is a remedial statute, and therefore must be construed liberally in  
20 favor of the debtor. Sprinkle v. SB&C Ltd., 472 F. Supp. 2d 1235 (W.D. Wash. 2006). The  
21 remedial nature of the FDCPA requires that courts interpret it liberally. Clark v. Capital Credit  
22 & Collection Services, Inc., 460 F. 3d 1162 (9th Cir. 2006). “Because the FDCPA, like the  
23 Truth in Lending Act (TILA) 15 U.S.C §1601 *et seq.*, is a remedial statute, it should be  
24  
25

1 construed liberally in favor of the consumer.” Johnson v. Riddle, 305 F. 3d 1107 (10th Cir.  
2 2002).

3 34. The FDCPA is to be interpreted in accordance with the “least sophisticated”  
4 consumer standard. See Jeter v. Credit Bureau, Inc., 760 F.2d 1168 (11th Cir. 1985); Graziano  
5 v. Harrison, 950 F. 2d 107 (3<sup>rd</sup> Cir. 1991); Swanson v. Southern Oregon Credit Service, Inc.,  
6 869 F.2d 1222 (9th Cir. 1988). The FDCPA was not “made for the protection of experts, but for  
7 the public - that vast multitude which includes the ignorant, the unthinking, and the credulous,  
8 and the fact that a false statement may be obviously false to those who are trained and  
9 experienced does not change its character, nor take away its power to deceive others less  
10 experienced.” Id. The least sophisticated consumer standard serves a dual purpose in that it  
11 ensures protection of all consumers, even naive and trusting, against deceptive collection  
12 practices, and protects collectors against liability for bizarre or idiosyncratic interpretations of  
13 collection notices. Clomon, 988 F. 2d at 1318.  
14

15  
16 **COUNT I**  
17 **DEFENDANT VIOLATED THE**  
18 **FAIR DEBT COLLECTION PRACTICES ACT**

19 35. In its actions to collect a disputed debt, Defendant violated the FDCPA in one or  
20 more of the following ways:

- 21 a. Defendant violated the FDCPA generally;
- 22 b. Harassing, oppressing or abusing Plaintiff in connection with the  
23 collection of a debt, in violation of 15 U.S.C. § 1692d.
- 24 c. Using false, deceptive, or misleading representations or means in  
25 connection with the collection of any debt, in violation of 15 U.S.C. §  
1692e;

- d. Threatening to take action that cannot legally be taken or that is not intended to be taken, in violation of 15 U.S.C § 1692e(5);
- e. Using false representations or deceptive means to collect or attempt to collect a debt or obtain information concerning Plaintiff, in violation of 15 U.S.C. § 1692e(10);
- f. Using unfair or unconscionable means to collect or attempt to collect any debt, in violation of 15 U.S.C. §1692f;
- g. Failing to send the consumer written notice containing a statement that, upon the consumer's written request within the thirty-day period, the debt collector will provide the consumer with the name and address of the original creditor, if different from the current creditor, in violation of 15 U.S.C. §1692g(a);
- h. Overshadowing Plaintiff's right to dispute the debt and/or request the name and address of the original creditor, in violation of 15 U.S.C. §1692g; and
- i. By acting in an otherwise deceptive, unfair and unconscionable manner and failing to comply with the FDCPA.

WHEREFORE, Plaintiff, RICHARD M. ODEITUS, respectfully prays for a judgment as follows:

- a. All actual compensatory damages suffered pursuant to 15 U.S.C. § 1692k(a)(1);
- b. Statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A);
- c. All reasonable attorneys' fees, witness fees, court costs and other litigation costs incurred by Plaintiff pursuant to 15 U.S.C. § 1693k(a)(3); and

1 d. Any other relief deemed appropriate by this Honorable Court.

2  
3 **DEMAND FOR JURY TRIAL**

4 PLEASE TAKE NOTICE that Plaintiff, RICHARD M. ODEITUS, demands a jury trial  
5 in this case.

6 RESPECTFULLY SUBMITTED,

7 KIMMEL & SILVERMAN, P.C.

8  
9 DATED: 5-27-11

10 BY: CTK 3654  
11 Craig Thor Kimmel  
12 Attorney ID # 57100  
13 Kimmel & Silverman, P.C.  
14 30 E. Butler Pike  
15 Ambler, PA 19002  
16 Phone: (215) 540-8888  
17 Fax: (877) 788-2864  
18 Email: [kimmel@creditlaw.com](mailto:kimmel@creditlaw.com)

## Pentagroup Financial, LLC

5959 Corporate Drive, Suite 1400  
Houston, Texas 77036  
Toll Free: (800) 997-5339  
Houston Local: (832) 615-2281

JULY 20TH, 2010



S \*\*\*\*\*AUTO\*\*MIXED AADC 350  
25327-200/15047041080701947/1480 202-  
RICHARD M ODBITUS

HORSHAM, PA 19044-2445



23124

RE: Current Creditor: CACH, LLC  
Original Creditor: WAMU/PROVIDIAN BANK  
Current Balance Due: \$6,373.39  
Current Account No.: 11947  
Original Account No.: 3642

Dear RICHARD M ODBITUS:

Pentagroup Financial, LLC has been hired by the above referenced Current Creditor to contact you regarding the above referenced debt. Please be advised that the Current Creditor listed above has purchased the above referenced debt from the Original Creditor listed above. As of the date of this letter the Current Creditor's records indicate that the Balance Due remains unpaid.

If payment is not made in a timely manner, further collection activity may be instituted. Your prompt attention to this matter will be appreciated.

If you have any questions or wish to discuss your account with one of our courteous and friendly representatives, please call us at the toll free number listed above.

This is an attempt to collect a debt and any information obtained will be used for that purpose. This is a communication from a debt collector.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of the debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original credit grantor, if different from the current credit grantor.

Indis

202.1480



**Pentagroup Financial, LLC**

5959 Corporate Drive, Suite 1400  
Houston, Texas 77036  
Toll Free: (800) 997-5339  
Houston Local: (832) 615-2281



AUGUST 27TH, 2010



S \*\*\*\*\*AUTO\*\*MIXED AADC 350  
26012-270/15047041080701947/1842 202  
RICHARD M ODEITUS

40229

HORSHAM, PA 19044-2445



40229

RE: Current Creditor: CACH, LLC  
Original Creditor: WAMU/PROVIDIAN BANK  
Current Balance Due: \$6,373.39  
Current Account No.: 11947  
Original Account No.: 3642

Dear RICHARD M ODEITUS:

We have not received a response to our previous notice requesting full payment of the above referenced account. We must assume more firm and direct collection action will be required to collect this past due obligation. You can avoid further collection action by mailing the full balance to our office.

Please remit the entire balance due to our office.

If you have any questions or wish to discuss your account with one of our representatives please call us at the toll free number listed above.

This is an attempt to collect a debt and any information obtained will be used for that purpose.  
This is a communication from a debt collector.

enc2

202.1842



**Pentagroup Financial, LLC**

5959 Corporate Drive, Suite 1400  
Houston, Texas 77036  
Toll Free: (800) 997-5339  
Houston Local: (832) 615-2281

SEPTEMBER 30TH, 2010



S \*\*\*\*\*AUTO\*\*MIXED AADC 350  
26366-300/15047041080701947/1842 202  
RICHARD M ODEITUS

HORSHAM, PA 19044-2445



40338

RE: Current Creditor: CACH, LLC  
Original Creditor: WAMU/PROVIDIAN BANK  
Current Balance Due: \$6,373.39  
Current Account No.: 11947  
Original Account No.: 3642

Dear RICHARD M ODEITUS:

We have not received a response to our previous notice requesting full payment of the above referenced account. We must assume more firm and direct collection action will be required to collect this past due obligation. You can avoid further collection action by mailing the full balance to our office.

Please remit the entire balance due to our office.

If you have any questions or wish to discuss your account with one of our representatives please call us at the toll free number listed above.

This is an attempt to collect a debt and any information obtained will be used for that purpose.  
This is a communication from a debt collector.

